IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1313 OF 2006.

Lalit C.Jain. ... Petitioner.

Versus.

Jitendra S.Gupta and another. ... Respondents.

Ms.Nayana Thatte i/by Shri Sagar Joshi for the Petitioner.

Shri S.V.More, A.P.P.for the Respondent-State.

CORAM : ABHAY S.OKA, J.

DATED : 16th October, 2006.

P.C.:

1. The challenge in this petition under Article 227 of the Constitution of India is to an order made on 10th March 2006 by the learned Judicial Magistrate First Class, Bhiwandi. The Petitioner is arraigned as Accused in the complaints filed by the 1st Respondent under section 138 of the Negotiable Instrument Act, 1881. Applications were made in the complaints by the Petitioner praying for dismissal of the complaint on the ground that no case is made out for offence under section 138 of the Negotiable Instruments Act, 1881.

2. The learned trial Judge has rejected the said applications placing reliance on the decision of the Apex Court in the case of Subramanium Sethuraman v/s. State of Maharashtra (2004 All MR (Cri.) 3469 (SC)).

3. After having heard the learned Advocate for the Petitioner, I find that the learned trial Judge was

right applying the ratio of the decision of the Apex court in the case of Subramanium Sethuraman. The learned trial Judge has also noted that in all the four complaints plea of the Petitioner has been recorded.

4. The learned trial Judge also noted that similar applications were filed for discharge by the Petitioner which were rejected and revision applications filed against the said orders have been rejected.

5. No case is made out for interference. Petition is rejected. Nothing stated in this order shall be construed as expression of any opinion on the merits of the complaints which are pending.

Judge.